
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

DAVID A. GOODWILL and THE
ESTATE OF PHYLLIS A. HANSEN,

Plaintiffs,

v.

ETITLE INSURANCE AGENCY, a
Foreclosure Secretary of Housing and
Urban Development on October 29, 2008;
and THE SECRETARY OF HOUSING
AND URBAN DEVELOPMENT,

Defendants.

**ORDER REQUIRING THE ESTATE
OF PHYLLIS A. HANSEN TO FILE
A NOTICE OF APPEARANCE BY
COUNSEL**

Case No. 2:18-cv-00948-CW-DAO

Judge Clark Waddoups

Magistrate Judge Daphne A. Oberg

Pro se Plaintiff David A. Goodwill withdrew as counsel for himself and the Estate of Phyllis A. Hansen and is proceeding pro se on his own behalf. (Withdrawal of Counsel and Notice of Appearance Pro Se, Doc. No. 80.) The court previously entered an order requiring new counsel for the Estate to file a notice of appearance as Mr. Goodwill's notice of withdrawal left the Estate unrepresented. (Order requiring (1) Estate of Phyllis A. Hansen to File A Notice of Appearance and (2) David A. Goodwill to Certify Notice of Order to the Estate, Doc. No. 81.) Mr. Goodwill filed a pro se notice of appearance on behalf of the Estate in which he notes he is the only surviving heir and sole beneficiary to the estate. (Notice of Appearance for the Estate of Phyllis A. Hansen, Doc. No. 83-1.)

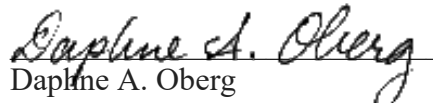
Pursuant to the District of Utah's Local Civil Rules, an artificial entity "may not appear pro se but must be represented by an attorney who is admitted to practice in this court." DUCivR 83-1.3(c). Following this rule, courts within this district have not permitted estates to appear through pro se individuals. *See e.g., McCrary Estate & Tr. v. Lowes Corp.*, No. 2:07-cv-

346, 2007 U.S. Dist. LEXIS 101556, at *1–2 (D. Utah Oct. 25, 2007) (“Similarly, artificial entities may appear in the federal courts only through licensed counsel. Since there is no indication that Mr. McCrary is a licensed attorney, he may not represent the David M. McCrary Estate & Trust in this case.”)

Mr. Goodwill does not contend that he is a licensed attorney admitted to practice in this district, (Doc. No. 78), and accordingly he cannot represent the Estate in this proceeding. If the Estate wishes to proceed in this matter, it must file a notice of appearance by new counsel within twenty-one (21) days of this order. The clerk shall send this Order to the Estate at the address set forth in the Certificate of Service to Mr. Goodwill’s Notice of Delivery of Order to the Estate of Phyllis A. Hansen (Doc. No. 82) and to all other parties.

DATED this 28th day of January, 2021.

BY THE COURT:


Daphne A. Oberg
United States Magistrate Judge